



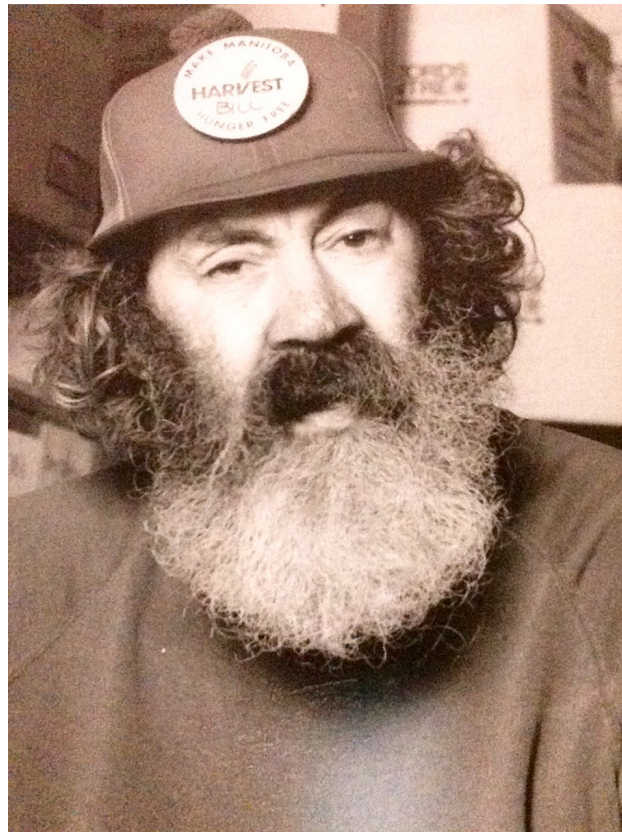
A Template for Basic Income Guarantee Advocacy

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Big Bill's Story





SAY WHAT? Lawyers who Work for Free?

- Finding the right firm with the right people (*hint: look left*)
- Creating interest in researching fundamental legal rights to a basic income guarantee

+ What Were we Asked to Contribute?

- 6 lawyers - Team Leader/research coordinator/4 researchers
- Experience in labour/employment, human rights, indigenous law
- Research and develop legal arguments based upon Canadian law, statute, Charter, human rights principles, for possible future use in test cases or to assist in development of model legislation



What Did We Do?

- We met (*a lot*)
- We created a work and research plan and timelines
- We looked at existing initiatives
- We read and researched
- We produced and circulated draft papers amongst each other



What Did We Create?

- 6 papers – 99 pages of legal research/analysis
- Hopefully, some ideas and arguments that can be used in the future



Paper 1: *Existing Initiatives*

■ *Johanna Willows*

- Looked at existing BIG initiatives in Canada/US/Netherlands/Switzerland/Namibia/India/Cyprus/Brazil/Columbia/Finland/Malawi and Zambia



Paper 2: *s.7 Canadian Charter of Rights and Freedoms*

■ *Kristen Worbanski*

- S. 7 - right to life, liberty and security of the person
- To what extent does case law interpreting s. 7 support the argument that there is a right to a BIG?



Paper 3: *s.15 Canadian Charter of Rights and Freedoms*

■ *Joel Deeley and Johanna Willows*

- S.15 - guarantees that every individual is to be considered equal before and under the law, and sets out limits on government's ability to impose laws that cause or perpetuate inequality
- Supreme Court has recognized that this section is to be generously and purposively interpreted (*Eldridge*)

+ Paper 4: s. 36(1) Constitution

■ *Johanna Willows and Joel Deeley*

- S. 36(1) - Parliament and the legislatures, together with the Government of Canada or provincial governments, are committed to promoting equal opportunities for the well-being of Canadians, furthering economic development to reduce disparity and opportunities, and providing essential public services of reasonable quality to all Canadians.
- Does this section create an obligation or just an objective?



Paper 5: *Human Rights Code Analysis*

■ *Shannon Carson*

- Well recognized that human rights legislation is considered to be quasi-constitutional, and must be given a broad and liberal interpretation that accords with its purpose.
- Can an existing service, right, or benefit be identified as discriminatory?
- Can a social disadvantage be claimed as a ground of discrimination?



Paper 6: *Indigenous Peoples and BIG*

■ *Kelly Olson*

- Can Aboriginal and treaty rights, including those contained in the Numbered Treaties, the Natural Resource Transfer Agreements, The Constitution Act, fiduciary duties owed to Aboriginal peoples, or the honour of the Crown, be used to form the basis for a right to basic income?

+ Other Papers Created and Relied Upon

- Katrine Dilay: *Literature Review on Basic Income*
- Joëlle Pastora Sala: *International Law Arguments for a Right to Basic Income*
- Stefan Hodges: *Media Review on Basic Income*
- Fatima Zohora: *Economic Literature Review*
- Kajia Eidse-Rempel: *Political Statements in Favour of Basic Income and Analogous Models to Basic Income Program*
- Stefan Hodges and Kelby Loepky: *Literature Review on Poverty in Canada*

+ Engaging Communities and Academics

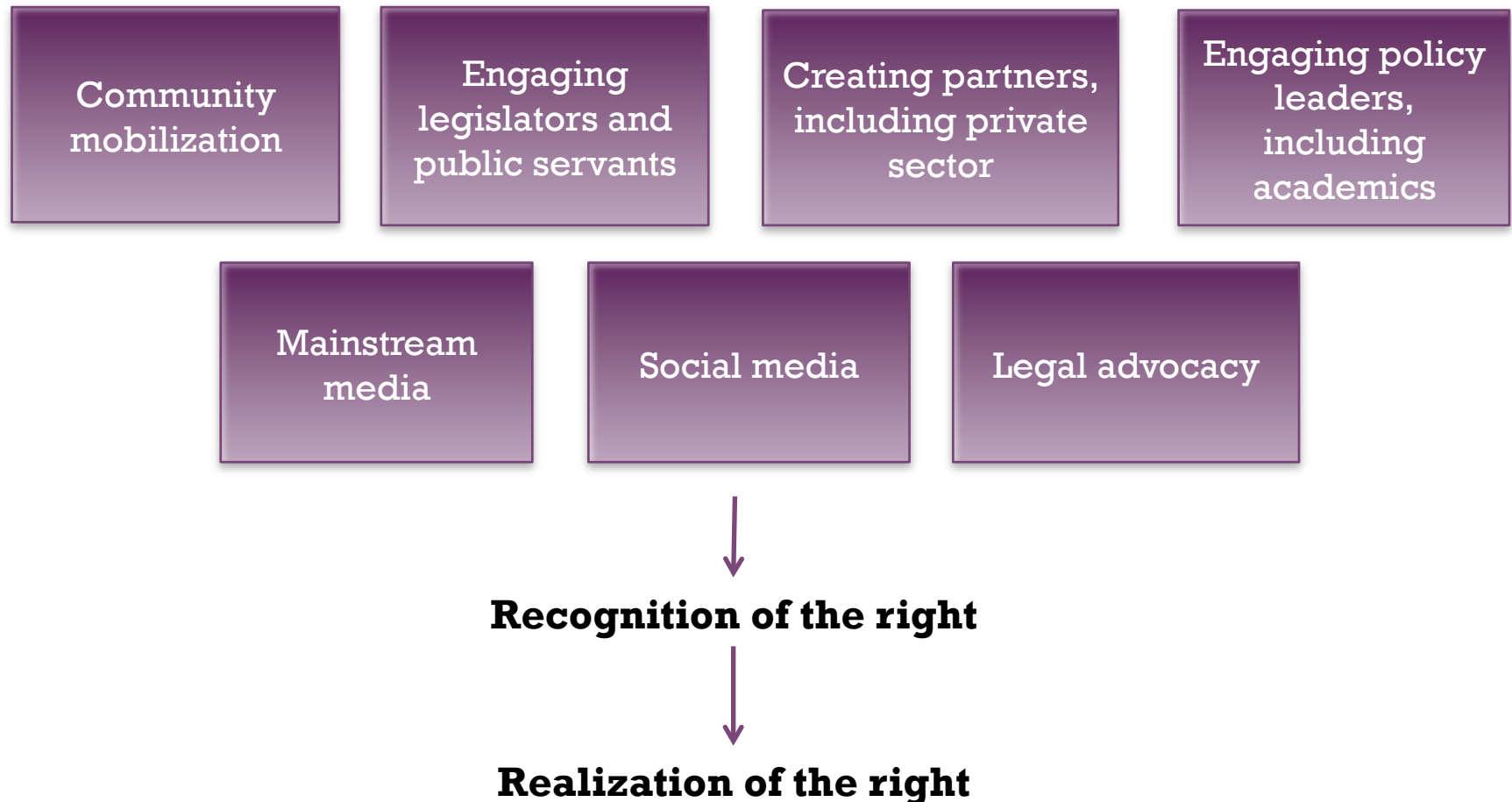
Academic input
February 2016

Community input
on strategy paper
summer 2016

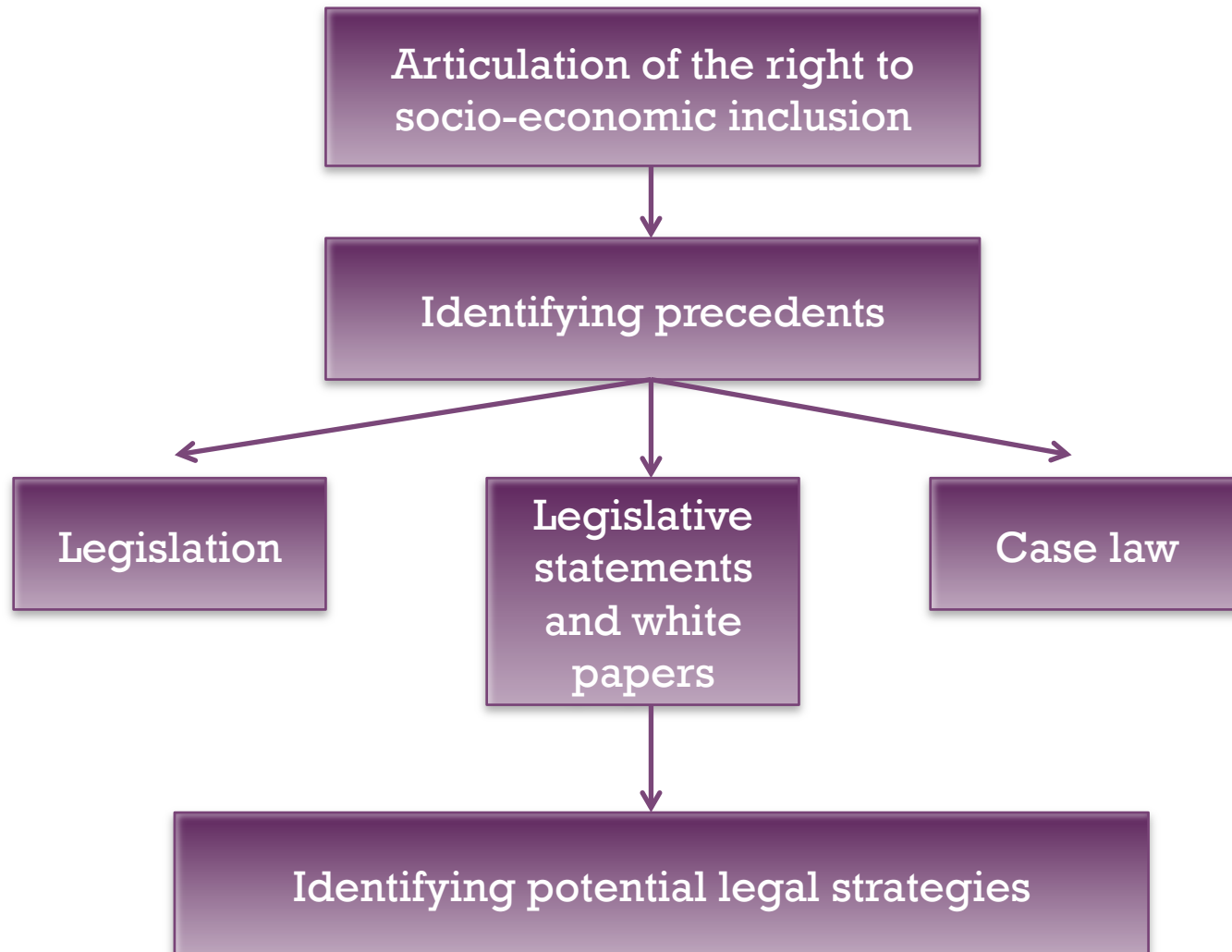
+ Legal advocacy is just part of the picture

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The inclusion gap



+ Legal objectives



+ Potential strategies for progressive realization of socio-economic inclusion

Milk price
regulation

Inadequate welfare
on reserves

Inadequate
provincial welfare

Exclusion of “social
disadvantage”
(*CHRA*)

Challenge definition
of “social
disadvantage”
(*MHR Code*)



Including Community Voices

- Legal advocacy can play an important, but secondary, role in presenting the community's voice.
- Community members deserve an integral role in the design and oversight of the advocacy campaign.



Credible case + credible evidence

- Risk / return analysis
- Community voices
- Partnerships with allies: community, academics, lawyers and other professionals
- Funding for legal challenges and community input (Court Challenges Program)



Implementing the strategy

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Win

Mobilize

Educate

Gather
evidence



Draft Legislation?



Closing comments

“Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.”

-- The Food and Agriculture Organization of the United Nations
(FAO) 1996 World Food Summit